REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims replaces all prior versions, and listings, of claims in the application. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Information Disclosure Statement

An information statement setting forth and enclosing copies of the foreign references which were previously listed on the 1449 included in an IDS filed on April 19, 2004, is submitted with this response.

Claim Rejections – 35 USC § 112

The claims have been amended in a manner which overcomes the rejections made under 35 USC § 112, second paragraph.

Claim Rejections – 35 USC § 102

1) The rejection of claims 1-5 and 24 under 35 USC § 102(b) as being anticipated by Farlow, Jr. - US 5,833,295, (hereinafter Farlow), to the degree that it still pertains to the claim as amended above, is respectfully traversed.

Farlow discloses a mobile kitchen 63 which is "built on a trailer chassis suspended on two axles with four ground engaging wheels . . . " (col. 1, lines 42 and 43). Farlow describes the trailer as a "compartmentalised trailer" (col. 2, lines 56 and 57) comprising a primary cooking compartment, a food preparation area and a primary baking compartment all aligned lengthwise of the trailer.

The kitchen 63 is said to have a "continuous roof 55" which extends from the utility room 25 to the rear wall of the baking compartment (col. 3, lines 24 to 36).

In each of the cooking and baking compartments and the food preparation area, various utilities are disposed. For example, baking ovens 29 are disposed within the

baking compartment, a fuel tank 26 is disposed within the food preparation area and a burner array 33 is disposed within the cooking compartment. Thus, Farlow teaches a specific form of mobile kitchen.

It is important to understand that Farlow teaches the construction of a mobile kitchen for a particular purpose. Farlow indicates that the mobile kitchen can be made in different sizes (col. 6, line 11) and that the layout maybe arranged differently (col. 6, lines 15 and 16). However, Farlow does not teach that the kitchen can be easily reconfigured, once constructed. That is, the mobile kitchen of Farlow appears intended to have one construction for its life, rather than the potential for continual reconfiguration, as is envisaged by the present invention. Farlow does not, for example, make any reference to any form of reconfiguration. Farlow does disclose that the fuel tank 26 can be either permanently affixed to the frame or removably mounted thereto (col. 4, lines 8 to 10), but that is the only reference to a removable item. Otherwise, it is apparent that the construction of the kitchen is a permanent construction.

Moreover, it is apparent that the mobile kitchen of Farlow does not employ modular units as required by claim 1 of the present application. The modular units of claim 1 must be arranged to be connected to the base of the building, to be fitted out with functional elements which enable the modular units to perform a predetermined function in the operation of the building, and to be able to be connected to or removed from the base as a single unit. The rejection identifies items 25, 43 and 50 of Farlow as either being a modular unit, or comprising three different modular units, is not clear. If the Examiner considers these parts each to constitute a "modular unit", then at least 43 and 50 to not meet the requirement of being "fitted out with functional elements". If the Examiner conversely considers that the three parts 25, 43, 50 combined to constitute a single modular unit, then it is difficult to see how that unit could be connected to or removed from the base as a single unit.

The Examiner then states that each of the units 43 (which, as referred to above, relates to side walls) provides "a form of a compartment" having various side and end walls, each mounted on a base and having a roof 65. There is no doubt that the Examiner is correct in identifying a plurality of compartments of the mobile kitchen 63. The Examiner is also correct that those compartments include functional elements such

as a stove, sinks, ovens, water tanks etc. Nevertheless, it is clear that the compartments and their contents are not modular units, having the characteristics required in claim 1 and outlined below.

It is the clear intention of the present invention, that the modular units be such that a building can be constructed according to the purpose the building is to have. Thus, the building could be a kitchen, but it could alternatively be a showering and sleeping facility, or a testing facility for example. The present specification describes changing the function of the building from a toilet facility to a kitchen facility (see paragraph 23 of published specification US-2004-0194401-A1) by substitution of modular units. Thus, the same base is employed for each building, but different modular units are fitted thereto. Each of a toilet facility and a kitchen facility may include common modular units, for example, a unit having hand washing facilities, but the construction of the building is simply one of selecting the particular modular units required for the function required. This is not disclosed in Farlow. Rather, Farlow provides a detailed discussion on how to construct a particular form of mobile vehicle, namely a kitchen, which will remain in the form constructed for its life.

Thus Farlow is deficient in disclosing the subject matter of claim 1 as it stands amended in this response, inasmuch as it does not disclose modular units which are fitted out with functional elements in a manner that allows for the modular units and the functional elements to be connected to or removed from the base as a single unit. Indeed, Farlow does not disclose an arrangement in which modular units are removable. The utility room 25 is not a removable room. Of course it can be dismantled, by removing the forward framing member 72 and the tank 3, but these cannot be removed as a single modular unit. Moreover, one of the walls of the utility room 25 is the firewall 64 and removal of that wall commences dismantling of the primary cooking compartment that includes the stove burner array 33. Thus Farlow does not include modular units of the kind defined by claim 1.

The rejection of claims 1-5 and 24 is thus traversed as failing to establish a *prima facie* case of anticipation.

2) The rejection of claims 1-5 18 and 24 under 35 USC § 102(b) as being anticipated by Ensor - US 2,678,442, is respectfully traversed.

Ensor discloses a vehicle cabin which has a base 1, a roof 2, box-like spacers 3 and ties 6. The spacers support the roof elevated above the base and provide structural stability in combination with the ties (col. 1, lines 20 and 21).

The Examiner refers to the spacers 3 as being a modular unit in accordance with claim 1. However, Ensor does not describe that the spacers 3 are fitted out with functional elements to form a predetermined function in the operation of the building. The function of the spacers 3 is to space the roof and base apart and to provide stability. Thus, in our view, an important aspect of claim 1 is missing from Ensor.

The function of the spacer 3 is to space the roof from the base. The spacer 3 also provides stability. The specification does indicate that a spacer 3 can include an opening 3d (Figure 4), but such an opening does not equate to a "fitting out" of the spacer with functional elements that enable the spacer 3 to perform a predetermined function in the operation of the building. It is clear from the specification of the present application, that a functional element must be something more than simply an opening in the wall of a spacer. The present specification refers to various forms of functional elements in paragraph 7 of the published specification (US -2004-0194401-A1), and these include: toilets, washing and shower components, beds, a generator or a gas supply, a water supply and a waste storage and/or waste treatment facility. Other functional elements are identified later in the specification. Thus, Ensor does not identify a modular unit according to the present invention, in that, while the spacers 3 could be referred to as modular units, Ensor teaches nothing in relation to fitting out of the spacers 3 with functional elements, nor is there any suggestion that such fitting out is desirable or necessary.

Despite the above comments, the Examiner has stated that each compartment 3 has "foundation [sic] elements being fitted thereon . . . ". Presumably the Examiner is referring the roof and base that the spacer supports. But again, claim 1 requires that the modular units are fitted out with functional elements. The spacers 3 do not meet this requirement simply by supporting the roof over the base. It is important to note that

claim 1 defines that the functional elements are provided to enable the modular unit with which the elements are associated, to perform a predetermined function in the operation of the building. The spacers 3 do not meet this requirement, unless the predetermined function is to support the roof above the base, but that is not a function in the operation of the building, unless the operation is simply that the building remains erected. Again however, the clear invention of the invention is that the functional elements perform a function which corresponds to the purpose of the building. Examples of such functions have been listed above. In contrast, the spacers 3 are employed as a critical constructional element of the building of Ensor and are not a functional element according to the context of the present invention.

The above discussion goes to the absence in Ensor of the disclosure of functional elements as part of the modular units. In reply to that discussion, the Examiner may argue that it would be a simple matter to place functional elements within the spacers 3, given the reference to the openings 3d to form the spacer into a closet. But such an argument still would not permit Ensor to anticipate claim 1, given that the functional elements of claim 1 must enable modular unit with which they are associated, to perform a predetermined function in the operation of the building. Moreover, it is necessary that the functional elements of each modular unit be connectable or removable with the modular units to the base of the building. All Ensor discloses is that the spacers 3 could also function as a "closet or the like". It would take a significant leap to go from a closet, into which items of any description could be placed, to a modular unit which is fitted out with functional elements that enable the unit to perform a predetermined function in the operation of the building.

3) The rejection of claim 26 under 35 USC § 102(b) as being anticipated by Cooper – US 5,218,792, is respectfully traversed.

Cooper discloses the construction of a motor home or trailer. Part of the construction comprises side and roof joint members 10 and 20. These joint members 10 and 20 can be connected together to extend generally perpendicularly to each other, with the connection comprising abutting shoulders 22 and 30, and a flange 32 which overlies a recess section 18. A rivet 34 can extend through the flange 32 and the section 18 to secure the members 10 and 20 together. Panels 46 and 48 extend from

the connector 20 to form a roof. Panels 50 and 58 extend from the connector 10 to form side walls. Roof support members 40 (Figure 1) support the roof, while side support posts 6 support the side walls and the weight of the roof.

Cooper is clearly deficient in many respects as an anticipation of claim 26. For example, the Examiner contends that the members 10 and 20 are equivalent to the connectors of claim 26. However, the connectors 10 and 20 do not have front and rear walls which are spaced apart and parallel. The Applicant cannot identify any part of the connectors 10 and 20 that have the characteristics which are defined in claim 26.

The connectors 10 and 20 also do not have side walls which extend between front and rear walls, and top and bottom walls which close open ends of the connectors to define an interior space. The Examiner states that the wall sections and the roof sections of Cooper include a hollow interior cavity. This is true, however it does not have relevance to claim 26. Claim 26 defines that the connector defines an interior space, not the wall or roof sections. It is the case that the connectors 10 and 20 of Cooper do define a hollow interior space, but as stated above, the connectors 10 and 20 do not have end walls which close open ends thereof, nor do they have parallel and spaced apart front and rear walls, or side walls which extend between front and rear walls.

The side walls of the connectors of claim 26 are defined to be mutually converging. The only walls of the connectors 10 and 20, which could be said to mutually converge are the interior surfaces 36 and 38 and the unnumbered walls opposite. Thus, those are the only surfaces which could be the side walls of claim 26. However, claim 26 defines that adjacent side edge regions of adjacent wall sections are inclined. We cannot identify inclined side edge regions of adjacent wall sections in Cooper. With reference to Figure 5 of Cooper, none of the respective roof and wall panels 46, 48, 50 and 58 have inclined edge regions. The panels 46 and 48 for example, are always parallel to each other. It is to be noted that the curved item identified by the reference numeral 54 is a felt pad and not an edge region of a wall section.

If the side walls of claim 26 are those parts of the connectors 10 and 20 described above, then the fastener 34 which connects the connectors 10, 20 does not extend through the front or rear wall of the connectors to connect them to the wall sections as required by claim 26. The front and rear walls of claim 26 are defined to be spaced apart and parallel, but neither of the surfaces through which the fastener 34 extends is spaced apart and parallel to another surface. Also, claim 26 defines that the side walls extend between the front and rear walls. If the side walls of the connectors are those described above, then the surfaces through which the fastener 34 extends do not extend between any other walls.

It will be appreciated by the above comments, that Cooper is very different to the arrangement defined by claim 26. The comments above highlight certain differences, but does not provide an exhaustive list. When the prior art is so different, it is difficult to make sensible comments in respect of the differences. This difficulty is compounded because the Examiner has not clearly identified each aspect of claim 26 in Cooper and perhaps should be requested to do so if the objection is to be maintained.

Rejections under 35 USC § 103

1) The rejection of claims 6, 8-17 and 25 under 35 USC § 103(a) as being unpatentable over Farlow and further in view of Grocott, is respectfully traversed.

The combination of Farlow and Grocott does not disclose the modular structure of claim 25. Nowhere in the disclosure of Farlow and Grocott are the following requirements of claim 25 disclosed/suggested.

Claim 25 requires connectors having front and rear walls which are spaced apart and parallel and side walls which extend between the front and rear walls. The side walls are defined to be mutually converging. Claim 25 further requires top and bottom walls which close open ends of the connectors.

Claim 25 further requires that adjacent wall sections that connect, have edge regions that are inclined at an angle complementary to the mutually converging sides of the connectors.

Connectors of the above kind are not disclosed by the combination of Farlow and Grocott. There is no reason to suggest that the missing features would be obvious from reading Farlow and Grocott in combination. Like the Examiner's reliance on Cooper, the Examiner has not properly identified all of the features of claim 25 in his objection.

2) The rejection of claims 7, 18 and 19-23 under 35 USC § 103(a) as being respectively unpatentable over Farlow as applied to claim 3 and further in view of Cooper (US 5,218,792); Lipinski (US 3,971,395); Ensor and Lindsay (US 6,260,322), are respectfully traversed.

First, the rejections fails with the fall of the anticipation rejection of claim 3. Second the teachings of the secondary references do not cure the deficiencies which are introduced by the reliance on Farlow.

Conclusion

The claims as they stand before the PTO are allowable over the art of record for at least the reasons

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

In this response, Figs. 1 and 6 are amended in a manner which overcomes the objection to the drawings. More specifically, Fig. 1 has been amended to add lead lines to the numerals 12 and 16 and a bracket has been added to Fig. 16 to demonstrate the relationship of the various parts. Replacement pages are appended to this response.